
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A TASK FORCE
TO CLARIFY AND COORDINATE AGRICULTURAL-BASED COMMERCIAL
SUPPORT OF BONA-FIDE FARMING OPERATIONS ACROSS THE STATE.

1 WHEREAS, agricultural-based commercial operations are a
2 critical component to economic viability of Hawaii's farming
3 operations, being an especially important tool for small farmers
4 to directly market their products and continue farming; and
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6 WHEREAS, the Legislature intends to support Hawaii's
7 farmers' ability to improve their economic feasibility, and thus
8 continue to farm, with expressly permissible uses of
9 agricultural commerce related to Hawaiian-grown products; and
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11 WHEREAS, Act 113, Session Laws of Hawaii 2012, created
12 specific state authorization for agricultural-based commercial
13 operations to prevent undue restrictions on agricultural-based
14 commercial operations; and
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16 WHEREAS, agricultural-based commercial operations, which
17 are specifically authorized in section 205-2(d)(15), Hawaii
18 Revised Statutes, and certain farming operations, which are
19 protected under the Hawaii Right to Farm Act, chapter 165,
20 Hawaii Revised Statutes, are intended to be implemented by the
21 Land Use Commission; and
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23 WHEREAS, however, the Land Use Commission has not created
24 any rules to give effect to this law and is by default
25 delegating all implementing regulations to the various counties,
26 effectively requiring farmers to navigate and comply with
27 numerous planning and permitting provisions of the counties; and
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29 WHEREAS, the Legislature respects the importance of "county
30 home rule" and defers to county governments to develop



1 appropriate county ordinances giving effect to state laws while
2 balancing their communities' concerns and citizens' needs; and
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4 WHEREAS, the Legislature does not intend to remove
5 regulatory authority from the counties, yet does intend to
6 clearly communicate the intent of its legislation to give effect
7 to the important purpose of supporting Hawaii's farmers; and
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9 WHEREAS, small-scale farmers continue to struggle with
10 developing agricultural-based commercial operations because of
11 difficulties navigating various county ordinances, which are
12 perceived as excessively burdensome, hindering economic
13 opportunities of agricultural-based commercial operations
14 connected with bona fide farming operations, and crippling the
15 Legislature's intent of supporting agricultural commerce through
16 Act 113; and
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18 WHEREAS, the Department of Agriculture is most appropriate
19 to lead a mission to stimulate agricultural commerce
20 opportunities that directly support the sustainability of
21 agriculture in Hawaii by assessing the current burdens on
22 agricultural commerce through the various county ordinances and
23 engaging the counties in discussion to identify opportunities to
24 decrease the procedural burdens on small-scale farmers and
25 develop outreach to communicate effective resources to support
26 farmers; now, therefore,
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28 BE IT RESOLVED by the House of Representatives of the
29 Twenty-eighth Legislature of the State of Hawaii, Regular
30 Session of 2015, the Senate concurring, that the Department of
31 Agriculture is requested to convene a task force to:
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- 33 (1) Review individual county requirements for farmers
34 wishing to engage in agricultural-based commercial
35 operations, as defined in section 205-2(d)(15), Hawaii
36 Revised Statutes;
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- 38 (2) Identify opportunities to reduce any unnecessary
39 burdens of excessive permitting requirements for
40 agricultural-based commercial operations; and
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- 42 (3) Develop strategies to assist farmers in the county
43 approval process for agricultural-based commercial
44 operations; and



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2 BE IT FURTHER RESOLVED that the task force is requested to
3 include the following persons or their designated
4 representatives:

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6 (1) The Board of Agriculture, with the Chairperson of the
7 Board of Agriculture requested to serve as Chairperson
8 of the task force;
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10 (2) One representative each from the College of Tropical
11 Agriculture and Human Resources and the Economic
12 Research Organization of the University of Hawaii;
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14 (3) One representative each from the Planning Departments
15 of the Counties of Hawaii, Maui, and Kauai and the
16 Department of Planning and Permitting of the City and
17 County of Honolulu;
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19 (4) One representative each from the Offices of Economic
20 Development of the City and County of Honolulu, County
21 of Maui, and County of Kauai, and the Department of
22 Research and Development of the County of Hawaii;
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24 (5) One representative from the Hawaii Farmers Union
25 United;
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27 (6) One representative from the Hawaii Farm Bureau
28 Federation; and
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30 (7) One small farmer representative from each island,
31 appointed by the Board of Agriculture; and
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33 BE IT FURTHER RESOLVED that the task force is requested to
34 submit its findings and recommendations, including any proposed
35 legislation, in a report to the Governor and the Legislature no
36 later than twenty days prior to the convening of the Regular
37 Session of 2017; and
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39 BE IT FURTHER RESOLVED that certified copies of this
40 Concurrent Resolution be transmitted to the Chairperson of the
41 Board of Agriculture; Dean of the College of Tropical Agriculture
42 and Human Resources and Project Manager of the Economic Research
43 Organization of the University of Hawaii; Directors of Planning
44 of the Counties of Hawaii, Maui, and Kauai; Director of Planning



1 and Permitting of the City and County of Honolulu; Director of
2 Economic Development of the City and County of Honolulu;
3 Coordinator of Economic Development of the County of Maui;
4 Director of Development of the County of Kauai; Director of
5 Research and Development of the County of Hawaii; Executive
6 Director of the Hawaii Farmers Union United; and Executive
7 Director of the Hawaii Farm Bureau Federation.
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